

§ 15.1

22. *Effective date.* This Circular is effective upon publication and shall apply to fiscal years of State and local governments that begin after December 31, 1984. Earlier implementation is encouraged. However, until it is implemented, the audit provisions of Attachment P to Circular A-102 shall continue to be observed.

23. *Inquiries.* All questions or inquiries should be addressed to Financial Management Division, Office of Management and Budget, telephone number 202/395-3993.

24. *Sunset review date.* This Circular shall have an independent policy review to ascertain its effectiveness three years from the date of issuance.

DAVID A. STOCKMAN,
Director.

ATTACHMENT—CIRCULAR A-128

Definition of Major Program as Provided in Public Law 98-502

“Major Federal Assistance Program,” for State and local governments having Federal assistance expenditures between \$100,000 and \$100,000,000, means any program for which Federal expenditures during the applicable year exceed the larger of \$300,000, or 3 percent of such total expenditures.

Where total expenditures of Federal assistance exceed \$100,000,000, the following criteria apply:

Total expenditures of Federal financial assistance for all programs		Major Federal assistance program means any program that exceeds
More than	But less than	
\$100 million	\$1 billion	\$3 million.
\$1 billion	\$2 billion	\$4 million.
\$2 billion	\$3 billion	\$7 million.
\$3 billion	\$4 billion	\$10 million.
\$4 billion	\$5 billion	\$13 million.
\$5 billion	\$6 billion	\$16 million.
\$6 billion	\$7 billion	\$19 million.
Over \$7 billion	\$20 million.

PART 15—CONDUCT AT THE FEMA SPECIAL FACILITY

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AUTHORITY: FEMA Reorganization Plan No. 3 of 1978; E.O. 12127; E.O. 12148; delegation of authority from the Administrator of General Services, dated July 18, 1979; Pub. L. 566, 80th Congress, approved June 1, 1948 (40 U.S.C. 318-318d); and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

SOURCE: 49 FR 20498, May 15, 1984, unless otherwise noted.

Subpart A—Conduct at the FEMA Special Facility

§ 15.1 Applicability.

These rules and regulations apply to all the property known as the “Special Facility,” located on Mt. Weather on Virginia Route 601 near Berryville, Virginia, which is owned, operated or under the charge and control of the Federal Emergency Management Agency (FEMA) and to all persons entering, while on, or leaving the property.

§ 15.2 Admission.

The Special Facility contains classified material and areas which must be protected in the interest of national security. The facility is designated a restricted area. Access to the Special Facility is closed to the general public and is limited to those persons having official business related to the missions and operations of the Special Facility. Persons and vehicles entering

the Special Facility must be approved for admission by the Director, Federal Emergency Management Agency, or his/her designee, registered with the Special Facility security force, and issued a Special Facility identification badge and vehicle parking decal or permit. No person shall enter or remain on the Special Facility premises unless he or she has received permission from the Director, FEMA or his/her designee and has complied with the above procedures.

§ 15.3 Inspection.

All vehicles, packages, handbags, briefcases, and other containers being brought into, while on, or being removed from the Special Facility are subject to inspection by security force personnel and other authorized personnel. A full search may accompany an arrest. Inspection is permitted to prevent the possession and use of items prohibited by these rules and regulations or by other applicable laws, to prevent theft of property and to prevent the wrongful obtaining of defense information under 18 U.S.C. 793. Individuals objecting to such inspections must make their objection known to the officer on duty at the entrance gate prior to entering the Special Facility. Individuals refusing to permit an inspection of their vehicle or possessions will not be authorized or allowed to enter the premises of the Special Facility.

§ 15.4 Preservation of property.

The improper disposal of rubbish at the Special Facility, the willful destruction of or damage to property, the theft of property, the creation of any hazard on the property to persons or things, the throwing of articles of any kind from or at a building, or the climbing upon a fence, or the climbing upon the roof or any part of a building is prohibited.

§ 15.5 Conformity with signs and directions.

Persons at the Special Facility shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the directions of law enforcement and other authorized officials.

§ 15.6 Disturbances.

Any unwarranted loitering, disorderly conduct, or other conduct at the Special Facility which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, roadways or parking lots; which otherwise impedes or disrupts the performance of official duties by government employees; or which prevents persons from obtaining the administrative services provided at the Special Facility in a timely manner, is prohibited.

§ 15.7 Gambling.

Participating in games for money or other personal property, or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets at the Special Facility is prohibited.

§ 15.8 Alcoholic beverages and narcotics.

Operating a motor vehicle at the Special Facility by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines is prohibited. Entering upon, or while on the property, under the influence of or using or possessing any narcotic drug, marijuana, hallucinogen, barbiturate or amphetamine is prohibited. This prohibition shall not apply in cases where the drug has been prescribed for a patient by a physician. Entering upon the property, or being on the property under the influence of alcoholic beverages is prohibited. Bringing alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines onto the premises of the Special Facility is prohibited unless authorization has been granted by the Director, FEMA or his designee.

§ 15.9 Soliciting, vending, and debt collection.

Soliciting alms and contributions, commercial or political soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts at the Special Facility is prohibited. This rule does not apply to (a) national or local drives for funds for welfare, health, or other

purposes as authorized by the “Manual on Fund Raising Within the Federal Service” issued by the U.S. Office of Personnel Management and sponsored or approved by the occupant agencies (all such drives must have the prior approval of the Director, Federal Emergency Management Agency or his/her designee); (b) concessions or personal notices posted by employees on authorized bulletin boards; and (c) solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95–454).

§ 15.10 Distribution of handbills.

The distribution of materials such as pamphlets, handbills and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere at the Special Facility is prohibited except as authorized in § 15.9 of this part or when such distribution or displays are conducted as part of authorized government activities.

§ 15.11 Photographs and other depictions.

The taking of photographs and the making of notes, sketches, or diagrams of buildings, grounds or other appurtenances of the Special Facility, or the possession of a camera is prohibited while at the Special Facility except when approved by the Director, Federal Emergency Management Agency, or his/her designee.

§ 15.12 Dogs and other animals.

Dogs and other animals, except seeing-eye dogs, shall not be brought onto the Special Facility for other than official purposes.

§ 15.13 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles entering or while at the Special Facility shall drive in a careful and safe manner at all times and shall comply with the signals and directions of security force officers or other authorized individuals and all posted traffic signs;

(b) The blocking of entrances, drive-ways, walks, loading platforms, or fire hydrants on the property is prohibited;

(c) Except in emergencies, parking on the property is not allowed without a

permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners’ risk and expense. This paragraph may be supplemented from time to time with the approval of the Director of Federal Emergency Management Agency, or his/her designee, by the issuance and posting of such specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part thereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

§ 15.14 Weapons and explosives.

No person entering or while at the Special Facility shall carry or possess firearms, other dangerous or deadly weapons, explosives or items intended to be used or which could reasonably be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes and upon the approval of the Director, Federal Emergency Management Agency, or his/her designee.

§ 15.15 Penalties and other laws.

Whoever shall be found guilty of violating any rule or regulation herein is subject to a fine of not more than \$50 or imprisonment for not more than 30 days, or both. (See 40 U.S.C. 318c.) Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or any State and local laws and regulations applicable to the Special Facility premises. These rules and regulations supplement those penal provisions of Title 18, United States Code, relating to Crimes and Criminal Procedure, which apply without regard to the place of the offense and those penal provisions which apply in areas under the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. 7. However, they supersede those provisions of State law

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which are made Federal criminal offenses by virtue of the Assimilated Crimes Act (18 U.S.C. 13) to the extent that they are in conflict with these regulations. State and local criminal laws are applicable as such only to the extent that authority in that regard has been reserved to the State by the State consent or cession statute or vested in the State by Federal statute.

Subpart B—Conduct at the National Emergency Training Center

AUTHORITIES: EO 11222, EO 12148, Federal Fire Prevention and Control Act of 1974, Pub. L. 93-498, 15 USC 2201, *et seq.*

SOURCE: 56 FR 19597, April 29, 1991, unless otherwise noted.

§ 15.31 Purpose.

To set forth the National Emergency Training Center (NETC) policy and procedure relating to the NETC grounds and buildings and to the conduct of all persons entering, while on, and leaving the NETC, and actions to be taken for violation of these rules and regulations.

§ 15.32 Applicability.

This subpart applies to all the property known as the "National Emergency Training Center," located on 16825 South Seton Avenue in Emmitsburg, Maryland, which is owned, operated and controlled by the Federal Emergency Management Agency (FEMA) and to all persons entering, while on, or leaving the property.

§ 15.33 Inspection.

All vehicles, packages, handbags, briefcases, and other containers brought into, while on, or being removed from NETC may be subject to inspection. A full search of a person may accompany an arrest or apprehension.

§ 15.34 Preservation of property.

The improper disposal of rubbish at NETC, the willful destruction of or damage to property, the theft of property, the creation of any hazard to persons or things, the throwing of articles of any kind from or at a building, or

the climbing upon the roof or any part of the building is prohibited.

§ 15.35 Conformity with signs and directions.

Persons in and on the NETC shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction of the security force or other authorized individuals.

§ 15.36 Disturbances.

Any unwarranted loitering, disorderly conduct, or other conduct at NETC which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual use of classrooms, dormitory rooms, entrances, foyers, lobbies, corridors, offices, elevators, stairways, roadways or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees or Government contractors; which interferes with the delivery of the educational program; or which prevents the general public from obtaining the services provided on the property in a timely manner, is prohibited.

§ 15.37 Gambling.

Participating in games for money or other personal property or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets at NETC is prohibited.

§ 15.38 Alcoholic beverages and narcotics.

Operating a motor vehicle at NETC by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines as defined in the Annotated Code of Maryland, Transportation Article, Section or Title 21902 is prohibited. Entering upon, or while on the property under the influence of or using or possessing any narcotic drug, hallucinogen, marijuana, or barbiturate, or amphetamine is prohibited. This prohibition shall not apply in cases where the drug has been prescribed for a patient by a licensed physician. Entering upon the property, or being on the property

under the influence of alcoholic beverages as defined in the Annotated Code of Maryland, Transportation Article, Section or Title 21902 is prohibited. Bringing alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines onto the premises of NETC is prohibited unless the individual has been authorized. The use of alcoholic beverages on the property is prohibited except in the Student Center and other locations and occasions as authorized in writing by the Administrator, U.S. Fire Administration, FEMA, or his/her designee.

§ 15.39 Soliciting, vending and debt collection.

Soliciting alms and contributions, commercial or political solicitation and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts at NETC are prohibited. This does not apply to:

- (a) Approved national or local fund drives for health, welfare, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service" issued by the U.S. Office of Personnel Management and sponsored or approved by the occupant agencies (all such drives must have the prior approval of the Administrator, U.S. Fire Administration, FEMA or his/her designee);
- (b) Concessions or personal notices posted by employees on authorized bulletin boards; and
- (c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 title 5, United States Code, section 1101.

§ 15.40 Distribution of handbills.

The distribution of materials such as pamphlets, handbills, and/or flyers, and the displaying of placards or posting of materials on bulletin boards or elsewhere at NETC is prohibited except as authorized above or when such distribution or displays are conducted as part of authorized government activity.

§ 15.41 Photographs and other depictions.

Photographs may be taken inside classroom or office areas only with the

consent of the occupants. Except where security regulations apply or a Federal court order or rule prohibits it, photographs may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of the Director, Office of NETC Operations and Support, U.S. Fire Administration or other authorized official where the photographs are to be taken.

§ 15.42 Dogs and other animals.

Dogs and other animals, except for seeing eye dogs or other guide dogs, shall not be brought into the buildings at NETC for other than official purposes.

§ 15.43 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles entering or while at NETC shall drive in a careful and safe manner at all times and shall comply with the parking and vehicle registration/requirements (except parking of four hours or less), signals and directions of security personnel and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on the property is prohibited; and

(c) Parking without authority, parking in unauthorized locations or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owner's risk and expense. The Administrator, U.S. Fire Administration or his/her designee may supplement this paragraph from time to time by issuing and posting such specific traffic directives as may be required. When issued and posted, such directives shall have the same force and effect as if made a part hereof. Proof that a motor vehicle was parked in violation of these regulations or other directives may be taken as evidence that the registered owner was responsible for the violation.

§ 15.44 Weapons and explosives.

No person entering or while at NETC shall carry or possess firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes (i.e., Federal, State or local law enforcement; when authorized by the Administrator, U.S. Fire Administration; or his designee or contract security forces when authorized by the contract project officer) and in accordance with FEMA policy governing the possession of firearms.

§ 15.45 Penalties.

(a) *Misconduct.* Any misconduct will be processed and disposed of in accordance with FEMA/NETC policy or Instruction.

(b) *Parking violations.* Vehicles parked in violation of State law, FEMA or NETC Instruction shall be subject to towing at the owner's expense.

§ 15.46 Other laws.

Nothing contained in this subpart shall be construed to abrogate any other Federal laws or any State and local laws and regulations applicable to the National Emergency Training Center premises. This subpart supplements the penal provisions of title 18, United States Code, relating to Crimes and Criminal Procedure, which apply without regard to the place of the offense and those penal provisions which apply in areas under the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. 7. However, the content of this subpart supersedes those provisions of State law which are made Federal criminal offenses by virtue of the Assimilated Crime Act (18 U.S.C. 13) to the extent that they are in conflict with this subpart. State and local criminal laws are applicable as such only to the extent that authority in that regard has been reserved to the State by the State consent or cession statute or vested in the State by Federal statute.

PART 16—ENFORCEMENT OF NON-DISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

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16.103 Definitions.

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16.110 Self-evaluation.

16.111 Notice.

16.112—16.129 [Reserved]

16.130 General prohibitions against discrimination.

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16.140 Employment.

16.141—16.148 [Reserved]

16.149 Program accessibility: Discrimination prohibited.

16.150 Program accessibility: Existing facilities.

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16.152—16.159 [Reserved]

16.160 Communications.

16.161—16.169 [Reserved]

16.170 Compliance procedures.

16.171—16.999 [Reserved]

AUTHORITY: 29 U.S.C. 794.

SOURCE: 53 FR 25885, July 8, 1988, unless otherwise noted.

§ 16.101 Purpose.

The purpose of this regulation is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 16.102 Application.

This regulation (§§ 16.101 through 16.170) applies to all programs or activities conducted by the agency, except for programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.